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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,004	10/19/2001	Yuri Itkis	FORTUNE 01-05.PA	4886

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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/042,004

Applicant(s)

ITKIS ET AL. *ch*

Examiner

Robert J Mendoza

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,15-25,27-33,35,37 and 39-53 is/are rejected.
- 7) ☒ Claim(s) 6,8,10-14,26,34,36 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 7, 9, 15-25, 27-33, 35, 37 and 39-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Khaladkar (USPN 5,687,971).**

Regarding claims 1-5, 7, 9, 30-33, 35 and 37, Khaladkar, in col. 2:38-67, col. 5:1-67 and col. 9:1-20, discloses a system for playing a game of bingo including a microprocessor, said microprocessor storing a plurality of bingo card patterns and generating statements having informational data thereon and corresponding to one or more of said bingo card patterns and a printer in communication with said microprocessor for printing said generated statements. Khaladkar, in col. 5:50-67 and col. 11:23-60, discloses a bingo ball hopper in communication with the microprocessor such that the bingo ball hopper communicates with the microprocessor, and said microprocessor determining whether one or more of the bingo card patterns are winning cards by comparing the stored bingo patterns with each of the numbers generated and storing a status of each card as the numbers are generated, the bingo ball hopper being disabled upon determination of one or more winning cards and notifying the winning participants. Khaladkar, in col. 11:23-60, discloses means to notify the participants of the status of their statements is a monitor, viewable by the participants, in communication with the microprocessor. Khaladkar, in FIG. 1, discloses the microprocessor comprises a computer network having one or more point of

Art Unit: 3713

sale terminals. Khaladkar, in col. 11:23-60, discloses the monitor displays a statement identification code corresponding to the best bingo card.

Regarding claims 15-25, 27-29 and 39-53, Khaladkar, in col. 11:38-60, discloses determining of one or more winning bingo cards, the microprocessor further determined a prize associated therewith. Khaladkar, in col. 2:39-56, col. 7:1-67 and col. 10:12-67, discloses a session of bingo games, the session comprising at least two bingo games in sequence, upon the occurrence of one or more predetermined events, the occurrence enabling the bingo ball hopper wherein the predestined event is a completion of a previous bingo game, start of a new game and a predetermined number of sales of bingo cards for a new game. Khaladkar, in col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses the microprocessor validates the statements upon presentation by comparing an identification code, verification code, player tracking number, player name and a barcode corresponding to the statements with the information printed on the statements. Khaladkar, in col. 10:1-67 and col. 11:1-67, discloses a cashier terminal in communication with the microprocessor, the cashier terminal including a monitor for displaying an outcome corresponding to the printed statements. Khaladkar, in col. 9:1-25, col. 10:1-67 and col. 11:1-67, the microprocessor scans the identification and verification codes printed on the statements to retrieve the results of the bingo cards corresponding to the statements. Khaladkar, in col. 5:1-67, col. 10:1-67 and col. 11:1-67, an operator may override the microprocessor and manually enter the identification and verification codes.

Art Unit: 3713

**Allowable Subject Matter**

Claims 6, 8, 10-14, 26, 34, 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to game controllers:

USPN 6,540,614 Nishino et al. discloses game controllers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM  
RM  
October 17, 2003

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700